

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ALAN JOSEPH BAUER; DOUGLAS S. RABIN;
VIVIAN STEIR RABIN; RODDY TEEPLE;
ANDREW NEFF; NANCY NEFF; RICHARD
SANDERS POLIN; TAMMIE PUROW; MIMI
JANKOVITS; and DAVID GENET,

Plaintiffs,

v.

PRESIDENT AND FELLOWS OF HARVARD
COLLEGE (HARVARD CORPORATION) and
THE HONORABLE AND REVEREND THE
BOARD OF OVERSEERS,

Defendants.

Civil Action No. 1:24-cv-10404-GAO

ORAL ARGUMENT REQUESTED

MOTION TO DISMISS PLAINTIFFS' AMENDED COMPLAINT

Pursuant to Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, Defendant President and Fellows of Harvard College (“Harvard”)¹ respectfully moves this Court for an order dismissing the Plaintiffs’ Amended Complaint with prejudice. The grounds for this Motion are set forth in the accompanying Memorandum of Law.

As explained more fully in the Memorandum, Plaintiffs— a collection of Harvard alumni who graduated between the early 1970s and the mid-1990s—lack standing to assert any of their claims against Harvard and, further, they have failed to state a claim for relief under any of the theories that they attempt to advance in this case.

¹ The Board of Overseers is not a proper defendant in this action, because it is not a corporate entity independent of President and Fellows of Harvard College.

For these reasons, as well as those set forth in the accompanying Memorandum of Law, Harvard respectfully requests that this Court issue an order dismissing Plaintiffs' Amended Complaint in this action with prejudice.

Respectfully submitted,

PRESIDENT AND FELLOWS OF
HARVARD COLLEGE

By its attorneys,

/s/ Daniel J. Cloherty
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Dated: July 15, 2024

REQUEST FOR HEARING

Pursuant to Local Rule 7.1(d), Harvard respectfully requests oral argument on this Motion on the grounds that such oral argument may assist the Court in its consideration of the issues presented in this Motion.

/s/ Daniel J. Cloherty
Daniel J. Cloherty

LOCAL RULE 7.1 CERTIFICATION

I hereby certify that, in accordance with Local Rule 7.1(a)(2), I conferred with counsel for Plaintiffs in a good faith effort to resolve or narrow the issues presented in this motion. Plaintiffs do not assent to the relief sought herein.

/s/ Daniel J. Cloherty
Daniel J. Cloherty

CERTIFICATE OF SERVICE

I hereby certify that on July 15, 2024, this document was filed through the ECF system and will be sent electronically to the registered participants, as identified on the Notice of Electronic Filing.

/s/ Daniel J. Cloherty
Daniel J. Cloherty